

Application No. 10 / 761,063

Amendment dated October 3, 2006

Reply to Office Action of May 3, 2006

**Amendments to the Claims**

**Cancel the claims of record ( 1thru 20 ) ;**

**Claim 1 ( Cancelled ) ; Claim 2 ( Cancelled ) ; Claim 3 ( Cancelled ) ; Claim 4 ( Cancelled ) ; Claim 5 ( Cancelled ) ; Claim 6 ( Cancelled ) ; Claim 7 ( Cancelled ) ; Claim 8 ( Cancelled ) ; Claim 9 ( Cancelled ) ; Claim 10 ( Cancelled ) ; Claim 11 ( Cancelled ) ; Claim 12 ( Cancelled ) ; Claim 13 ( Cancelled ) ; Claim 14 ( Cancelled ) ; Claim 15 ( Cancelled ) ; Claim 16 ( Cancelled ) ; Claim 17 ( Cancelled ) ; Claim 18 ( Cancelled ) ; Claim 19 ( Cancelled ) ; Claim 20 ( Cancelled ).**

**Substitute new claims 21 thru 38 as follows:**

**CLAIMS**

Thus having described the invention, I claim:

**21. ( New ) The combination comprising:**

**( a ) a flexible bottle type container used for the containment and dispensing of pourable material comprised of:**

**a tubular body portion with a sealed bottom end; and an opposite top end forming a pour spout that includes means for securing a closure cap; said pour spout ending with an exterior rim providing a surface area for bonding a closure seal to seal over the opening of said pour spout;**

**( b ) a pressure activated self opening closure seal for bonding to said rim to seal over said opening of said pour spout comprised of:**

**a first frangible layer of sheet material is permanently bonded to a second strengthening layer of sheet material; said second strengthening layer contains a cut out void configuration that creates a**

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weaker area in said seal by leaving only said first frangible layer covering over the void area of said cut out void configuration; and wherein said cut out void configuration creating said weaker area forms a breaking pattern in said seal.

22. ( New ) The seal of claim 21 wherein said seal is bonded to said rim sealing over said opening of said pour spout providing a frangible closure seal that is only of sufficient strength to remain unbroken from the pressure brought to bear against said seal by said pourable material when a consumer grips and inverts said container when said container is filled and uncapped; and said seal also being of sufficient weakness to break open only in said weaker area of said breaking pattern to allow said pourable material to dispense out through said opening of said pour spout when sufficient additional pressure is brought to bear against said seal by said pourable material when said container is inverted and pressurized by said consumer squeezing or striking said container.

23. ( New ) The closure cap of claim 21 wherein the inner planar surface of said closure cap is in contact with said seal when said seal is bonded to said rim and said closure cap is installed on said container preventing said seal from breaking open prior to the removal of said closure cap from said container.

24. ( New ) The cut out void configuration of claim 21 wherein said cut out void configuration includes at least one unbroken area that connects the broken open center portion of said seal to the annular portion of said seal remaining bonded to said rim preventing said broken open center portion from breaking off from said annular portion when said seal breaks open.

25. ( New ) The configuration of said breaking pattern of claim 21 wherein said configuration includes a varied C shaped, H shaped, three or more point star shaped, X shaped, wave shaped, spiral shaped, or circular shaped configuration.

26. ( New ) The seal of claim 21 wherein said second strengthening layer side of said seal is bonded to said rim sealing over said opening of said pour spout.

27. ( New ) The seal of claim 21 wherein said first frangible layer side of said seal is bonded to said

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rim sealing over said opening of said pour spout.

28. ( New ) The seal of claim 21 wherein said seal is bonded to said rim by: induction sealing; heat sealing; evaporative sealing; reactive sealing; or ultrasonic sealing.

29. ( New ) The first frangible layer of claim 21 wherein said layer is made up of one or more layers of the same or different materials wherein said materials are: metal foil; polymers; plastic; or paper.

30. ( New ) The second strengthening layer of claim 21 wherein said layer is made up of one or more layers of the same or different materials wherein said materials are: metal foil; polymers; plastic; paper or adhesive.

31. ( New ) The first frangible layer of claim 21 wherein said layer is bonded to said second strengthening layer by at least one layer of adhesive.

32. ( New ) The layer of adhesive of claim 31 wherein said layer includes an area void of said adhesive that duplicates said cut out void configuration in said second strengthening layer.

33. ( New ) The seal of claim 21 wherein said seal is bonded to said rim by at least one layer of adhesive.

34. ( New ) The layer of adhesive of claim 33 wherein said layer includes at least an area void of said adhesive that duplicates said cut out void configuration in said second strengthening layer.

35. ( New ) The seal of claim 21 wherein said seal includes one or more additional layers of the same or different materials wherein said materials are: metal foil; plastic; polymers; synthetic foam; pulp board; paper; adhesive; or releasable adhesive; providing means for bonding said seal to said rim sealing over said opening of said pour spout by: induction sealing; heat sealing; evaporative sealing; reactive sealing; or ultrasonic sealing.

36. ( New ) The first frangible layer of claim 21 wherein said layer is permanently bonded to said second strengthening layer by non adhesive means such as cladding or fusion bonding .

37. ( New ) The pourable material of claim 21 wherein said material includes: motor oil; transmission

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fluid; motor vehicle additives; lubricants; or chemicals.

38. ( New ) A leak proof pressure activated self opening closure seal for sealing over the dispensing opening of a flexible container of the type used for storing and dispensing pourable liquids such as motor oil, motor vehicle additives, lubricants, or chemicals comprised of:

- ( a ) a first layer of strengthening sheet material is bonded to one side of a frangible layer of sheet material; a second layer of strengthening sheet material is bonded to the opposite side of said frangible layer; and wherein said strengthening layers each contain at least one duplicate cut out void configuration that are in register with each other and form a breaking pattern;
- ( b ) wherein the bonding means bonding said first layer and said second layer to said frangible layer includes an area void of said bonding means that duplicates said cut out void configuration of said breaking pattern
- ( c ) wherein said cut out void configurations forming said breaking pattern create a weakness in said seal by leaving only said frangible layer in the blank areas of said cut out void configurations between said strengthening layers;
- ( d ) wherein either side of said seal is bonded to the rim of said container sealing over said dispensing opening providing a pressure activated self opening frangible closure seal that is only of sufficient strength to remain unbroken when subjected to the internal pressure created in said container by said container contents when said container is uncapped, gripped, and inverted by a consumer; and
- ( e ) said seal also being of sufficient weakness to break open outwardly only in the configuration of said breaking pattern when sufficient additional internal container pressure is brought to bear against said seal when said container is inverted and squeezed or struck by said consumer thereby allowing the dispensing of said pourable products out through said dispensing opening;
- ( f ) wherein said container includes a closure cap with means for affixing said closure cap over said dispensing opening; and wherein the inner planar surface of said closure cap is in contact with said

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seal when said seal is bonded to said rim and said closure cap is installed on said container preventing said seal from breaking open prior to the removal of said closure cap from said container.

- (g) wherein the configuration of said breaking pattern includes at least one unbroken portion that connects the broken open central portion of said seal to the peripheral portion of said seal remaining bonded to said rim preventing said broken open portion from detaching from said peripheral portion when said seal breaks open;
- (h) wherein the bonding means bonding said seal to said rim includes an area void of said bonding means that at least duplicates said cut out void configuration of said breaking pattern;
- (i) wherein said frangible layer is comprised of one or more layers of the same or different materials wherein said materials include: metal foil, plastic, polymers, or paper.
- (j) wherein said first layer and said second layer are comprised of one or more layers of the same or different materials wherein said materials include: metal foil, plastic, polymers, paper; or adhesive;
- (k) wherein the bursting pressure of said seal can be adjusted by either: varying the thickness of said frangible layer; by the configuration of said breaking pattern; by the choice of materials used for said frangible layer; or by combinations of one or more of these;

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**Amendments to the Drawings**

**Please cancel Drawing Fig. 9**